



Position Statement – Amendments to the Cat Act 2011

Background and Context

The *Cat Act 2011* (Act) gives local governments the power to make local laws. Section 79(1) of the Act states:

“A local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.”

Section 79(3) of the Act specifies matters about which local laws may be made and states:

“Without limiting subsection (1), a local law may be made as to one or more of the following —

- (a) the registration of cats;*
- (b) removing and impounding cats;*
- (c) keeping, transferring and disposing of cats kept at cat management facilities;*
- (d) the humane destruction of cats;*
- (e) cats creating a nuisance;*
- (f) specifying places where cats are prohibited absolutely;*
- (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
- (h) limiting the number of cats that may be kept at premises, or premises of a particular type;*
- (i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
- (j) the regulation of approved cat breeders, including record keeping and inspection;*
- (k) fees and charges payable in respect of any matter under this Act.”*

In 2022, the City prepared a Cat Local Law that proposed to limit the number of cats a person may keep, prohibit cats from being in a public place unless under effective control, and make it an offence for a cat to be on private property without the consent of the owner of the property.

The Department of Local Government, Sport and Cultural Industries subsequently advised that the local law would likely be disallowed by Parliament on the basis that it went beyond the powers granted to local governments in the *Cat Act 2011*. This was on the basis that the local law would effectively require cats to be confined to the property on which they are ordinarily kept, and it is beyond the power of local governments to impose this requirement.

It is understood that Parliament’s Joint Standing Committee on Delegated Legislation believes that if local governments were able to require cats to be confined to the property on which they are ordinarily kept, this would have been explicitly stated in the Act.



The City has undertaken community consultation in relation to cat management. That consultation found that there is overwhelming community support for legislation that would protect native fauna from cat predation, and enable local governments to deal with cats causing a nuisance.

Many local governments have attempted to regulate the keeping of cats, including a requirement for cats to be confined to the property on which they are ordinarily kept. Those attempts have generally been unsuccessful.

Requiring cats to be confined to the property on which they are ordinarily kept would provide the most efficient way of reducing the impact of cats on native fauna, as well as dealing with the nuisance cats can cause. This is because enforcing the requirement would be relatively straightforward. A requirement to keep cats at home would also better protect their safety as they are less likely to be exposed to illness or suffer injuries.

Conversely, attempting to deal with the issues caused by cats through local laws by including provisions such as prescribing areas where cats are prohibited, prescribing what would constitute a cat causing a nuisance, and requiring the owners of properties within specified areas to confine their cats to their property, would be both time consuming and expensive to enforce.

Council's Position

In order to reduce the impact of cats on native fauna and the nuisance cats can cause to other residents, as well as for the safety of domestic cats, the *Cat Act 2011* should be amended to require cats to be confined to the property on which they are ordinarily kept.

The City calls upon the State Government to amend the *Cat Act 2011* accordingly.